- 4 -

Patent Case: ID01152

## REMARKS

### STATUS OF THE CLAIMS

Upon entry of the foregoing amendment, Claims 1, 7-9, 11 and 21-22 will be pending.

#### CLAIM REJECTIONS - 35 USC §103

Claims 1-3 are rejected under 35 USC §103 because producing a polypeptide defined by SEQ ID NO:17 or SEQ ID NO:3 would have allegedly been obvious over a combination of at least 3 references. Applicants disagree with this allegation. However, in view of the fact that this application was filed over six years ago, Applicants have decided to remove these two sequences from the claimed subject matter to place the claims in condition for allowance. Applicants reserve the right to pursue polypeptides defined by SEQ ID NO:17 or SEQ ID NO:3 or any of the other previously cancelled subject matter in a continuation application. Applicants respectfully request withdrawal of the present §103 rejection.

# **CLAIM OBJECTIONS -**

Claims 7 and 8 are objected to as being dependent from a rejected base claim. In view of the foregoing amendment to claim1, this objection is rendered moot, and Applicants respectfully request withdrawal of this objection.

#### CONCLUSION

It is believed that the foregoing amendments and remarks place this application in condition for allowance. The Examiner is requested to contact the undersigned attorney if any additional questions or concerns arise.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION

Patent Department, K-6-1, 1990 2000 Galloping Hill Road

Kenilworth, New Jersey 07033-0530

Melodie W. Henderson

Reg. No. 37,848

Legal Director, Patents

(908) 298-7482